

**00IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**DATE:** April 30, 02010

**JUDGE**  
LEONARD DAVIS

**COURT REPORTER**  
Judy Werlinger

**Law Clerks:** Natalie Alfaro

**SOVERAIN SOFTWARE, LLC**

**vs.**

**NEWEGG, INC. LTD**

**CIVIL ACTION NO: 6:07-CV-511**

**Jury Trial - Day 5**

<b>ATTORNEYS FOR PLAINTIFF</b>	<b>ATTORNEYS FOR DEFENDANTS</b>
Kenneth Adamo (Jones Day)	Dick Sayles (Sayles Werbner)
Tom Giannetti (Jones Day)	Mark Strachan (Sayles Werbner)
Barry Satine (Jones Day)	Kent Baldauf (The Webb Lawfirm)
Clark Craddock (Jones Day)	Dave Hanson (The Webb Lawfirm)
Carl Roth (Roth Firm)	Claudia Frost (Pillsbury Winthrop Shaw Pittman)
Michael Smith (Siebman Reynolds)	Lee Cheng (Newegg)
Katherine Wolanyk - Client Representative	Mira Wolff (Newegg)

On this day, came the parties by their attorneys and the following proceedings were had:

OPEN: 9:00 am

ADJOURN: 4:00 pm

9:00 am	Trial resumed. <b>Jury not present in the courtroom.</b>
	Court addressed the parties and has granted the Soverain's JMOL on obviousness and denied as to anticipation. The Court will submit the issue of anticipation to the jury.
	Court addressed the parties on the charge and changes to the charge.
	Mr. Adamo addressed the Court on how to proceed with his closing on obviousness. Court asked him not to mention it. Mr. Adamo will need a few minutes to go through his closing slides.
	Mr. Sayles addressed the Court and tendered <b>Defendant's Exhibit List #3</b> , which includes <b>Defendant's Exhibit #516</b> , and without objection, this exhibit admitted.
9:07 am	Court in recess for 5 minutes for attorneys to get their presentations in order to conform with the rulings of this morning.

**DAVID J. MALAND, CLERK**

**FILED: 4.30.2010**

BY: *Rosa L. Ferguson*, Courtroom Deputy

9:20 am	Trial resumed.
	Mr. Adamo addressed the Court and expressed gratitude for the time to get their slides in order.
	Court addressed the parties on Exhibits and the lists they have prepared for the Jury will be marked as their <b>Final Exhibit List</b> and these are the exhibits that are in agreement for the jury to have. <b>Without objection, the exhibits listed on these lists admitted and will be tendered to the jury.</b>
	Court asked for the jury to be brought in.
	Jury seated in the courtroom. Court welcomed the jury back.
	Court addressed the Jury and gave a brief outline of the procedure today.
	Court gave the Jury its charge.
10:20 am	Court in recess until 10:40 am
10:40 am	Trial resumed. <b>Jury seated in the courtroom.</b>
	Mr. Adamo presented closing arguments to the Jury on behalf of Plaintiff Soverain.
	Mr. Sayles presented closing arguments to the Jury on behalf of Defendant Newegg.
	Mr. Adamo presented rebuttal argument to the Jury.
	Court addressed the Jury and gave them instructions on deliberations.
12:50 pm	Court excused the Jury to commence deliberations.
	Court addressed the parties. Court complimented the parties on a well-tried case.
12:50 pm	Court in recess awaiting the jury's verdict.
1:40 pm	<b>Court received Jury Note #1.</b>
1:45 pm	Jury advised Court Security Officer that it was no longer an issue.
1:50 pm	<b>Jury Deliberating.</b>
3:20 pm	Court received Jury Note #2.
	Trial resumed. Court addressed parties on Jury Note #2 and indicated its response back to the Jury. Mr. Sayles does not object and requested that the Court add that the jury should refer to the Court's charge.
	Response tendered to the Jury.
	Court asked to see counsel at bench for an off the record discussion.
3:30 pm	Court in recess awaiting verdict.
3:45 pm	Jury advised they have reached a verdict.
	Trial resumed. <b>Jury not present in the courtroom.</b>
	Court addressed the parties.
	Court asked jury to be brought in. <b>Jury entered and seated in the courtroom.</b>
	Court asked for Verdict to be tendered.

	Court asked Clerk to read the verdict. Verdict read by the Clerk. Court inquired as to whether the parties wished to have the jury polled. Mr. Adamo asked that the jury be polled. Jury polled.
	Court thanked the jury and gave them some further instructions.
	Jury excused to the jury room where someone will come in and
	Court addressed the parties and Court set some deadlines. Post Verdict motions due 5.24.10; Responses due 06.07.2010; Replies due 06.14.2010; and Sur-replies due 06.21.2010. Court sets all post verdict motions for hearing on Tuesday, June 29, 2010 at 9:00 a.m. Court discussed page limitations and it will be in the Court's order which will be filed. .
	Court encouraged the parties to settle and contact Mike Patterson and by May 24 <sup>th</sup> mediate this case again.
	Mr. Cheng addressed the Court.
	Mr. Adamo asked for clarification on the damages amount.
4:00 pm	There being nothing further, Court adjourned.